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SUBJECT: KOSOVO: EVOLVING EU POLICE AND JUSTICE PLANNING
REPRESENTS FUNDAMENTAL CHANGE IN APPROACH TO KOSOVO LAW
ENFORCEMENT AND SECURITY

Classified By: COM Tina S. Kaidanow for reasons 1.4 (B) and (D).

11. (C) Summary: The emerging outlines of the EU police and justice plan for post-status Kosovo make it apparent that security and law enforcement in Kosovo will be conducted on a fundamentally different basis after the settlement than under UNMIK administration. EU planning is painfully slow and numbers/deployments have yet to be finalized, but the overall number of international police with an operational capability will decline dramatically from UNMIK levels. In their place, a larger number of international police advisors wearing an EU hat will monitor and guide the indigenous Kosovo Police Service to perform most critical law enforcement functions on its own. Observers generally agree that the KPS is up to basic policing tasks, including crowd control in fairly innocuous political settings, but gaps will almost certainly appear as flaws in the KPS command structure, criminal intelligence capacity, and other areas become more readily apparent.

12. (C) Summary, cont. EU planners on the ground recognize the potential pitfalls in the new framework they are creating, but argue that the resources and mandate they have been given preclude any other approach, and point out as well that UNMIK has in many cases abandoned its investigative activities, making its current impact more limited than sheer numbers would imply. There is recognition on the EU side that special measures will be needed in the north, including executive control over the two border gates with Serbia, and the EU police mission is now authorized a roughly 300-strong Crowd and Riot Control unit that could respond to emergent circumstances. However, local EU planners evince no sense of urgency in making special provisions for the north, noting that in the best of circumstances they will not deploy until 90 days after the settlement and that UNMIK will continue to bear the brunt of the security response in the highly sensitive transition period. This self-serving assertion aside, the snail-like pace of the EU's overall decision making is giving UNMIK police major headaches in trying to chart the way ahead for the handoff, and also stymies coordinated, scenario-based operational planning among Kosovo's various international and local security players.

End summary.

Emerging EU Police and Justice Structure Fundamentally Different from UNMIK

13. (C) Over the past seven years, UNMIK police have functioned largely in an operational capacity, with officers responsible for patrols, investigative work, criminal intelligence, and, in some instances, crowd control and emergency response. Numbers vary depending on what units are included, but at any given time UNMIK has approximately 1390 officers deployed throughout Kosovo (note: with two or three shifts in a day, perhaps one third to one half are actually on patrol) and an additional 500 personnel in so-called "formed police units" (FPUs), which remain in barracks unless called upon to deal with emergencies. The breakdown by region also fluctuates, but in the greater Mitrovica region, for example, 209 officers were deployed on November 14 (with a consequently lower number on patrol), backed up by Polish and Pakistani FPUs totalling 230 troops.

14. (C) No figures are yet available for regional deployments in the new EU police structure, but the overall numbers for the EU mission as a whole speak volumes about the very different way policing in Kosovo will be performed in the post-status period. As the concept now stands, the EU police and justice mission will contain 950 personnel; of those, 600 will serve in a police-related capacity, another 200 will have an administrative function, and 150 or so will be international judges, prosecutors, or other advisers (customs, prisons). Of the 600 police personnel, one-third (180 officers) will have an executive, or operational, mandate; the remaining 70 percent will be dispersed among the Kosovo Police Service to mentor, advise and train. EU

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Planning Team (EUPT) head Casper Klynge (protect) confirmed to USOP November 13 that the police mission will be allotted an additional 300-person Crowd and Riot Control contingent, though it will be, in his words, "limited in time and location" -- i.e., it will have no reserve or over the horizon capability, rendering it less useful in a prolonged crisis. Klynge noted that the CRC component would also have training duties to enhance the capability of analogous KPS units.

15. (C) The balance of international vs. indigenous policing will thus radically shift in the new configuration. With only 180 or so executive police, and those likely to be distributed among competencies where the Kosovo Police Service is particularly lacking (war crimes, organized crime, criminal intelligence, etc.), there will be little room for flexibility in deployments or a purely international response to any emerging crisis, aside from that provided by the CRC unit. The Kosovo Police Service, under the direction of the EU police presence, will take on the lion's share of law enforcement. Observers judge the KPS (with close to 8000 officers, including Serb members) to be basically proficient in patrolling, rudimentary investigation, and even crowd control under non-threatening circumstances. UNMIK Police Commissioner Steven Curtis (UK), however, pointed to clear gaps in the KPS's command structure, intelligence gathering abilities, and complex investigative capacity, among other weaknesses. Curtis, aware of the impending shift in responsibilities for the KPS that the status transition portends, is planning to use the next 90 days to conduct a thoroughgoing review of the Kosovo Police Service, shoring up weak lines of command authority and restructuring the KPS to move more officers out of administration and on to the beat. Still, he acknowledged that the KPS's institutional weaknesses could not all be remedied in the space of a few months, and he concurred that the political reliability of the KPS, particularly in the north, could not be assumed post-status.

The North, and Other Open Questions

16. (C) Klynge and other EU planners admit that their model has deficiencies, but underscore that the mandate and resources given them by Brussels and EU capitals do not allow for a more robust executive policing function. Klynge has argued, with some merit, that UNMIK's investigative responsibilities have in many instances been abandoned or underperformed, making its policing authority less impressive than sheer numbers might otherwise imply. EU planners also understand the special needs they will likely face in the north of Kosovo, and they have conceded they will have to assume executive control over border gates 1 and 31 with Serbia (as well as the Pristina airport) given the sensitivities involved.

17. (C) Klynge told USOP that no numbers have been decided on relative regional deployments of EU executive or other police, but said the idea of a "deterrent presence" was being contemplated for the North, and envisioned the CRC (or some component thereof) as having primary responsibility for maintaining stability near the Austerlitz bridge in Mitrovica. Klynge left open as well the possibility of creating a KPS northern police region to be headed by a Kosovo Serb, which he viewed as desirable despite the tradeoff of handing top executive authority to a Kosovar rather than an international. More broadly, he worried about the issue of dissolving parallel institutions in the North and integrating Serb judicial institutions into new Kosovar structures, as mandated by the settlement. He was also, notably, critical of what he termed a "weak effort" on the part of his International Civilian Office planning team counterparts (almost exclusively EU) to grapple adequately with issues related to parallel Serb structures in the civilian realm, including document issuance and the civil registry, now divided between Serb authorities and UNMIK.

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18. (C) Queried on the EU police mission's ultimate ability to respond to a potential crisis in the north, Klynge displayed no particular unease, pointing out that the worst of it was likely to come immediately following the settlement presentation and that UNMIK would have to be positioned to adequately assume the security burden in the transition period. He was, however, alive to the criticism that there was no apparent planning forum on the ground in Kosovo bringing together representatives of KFOR, UNMIK, the EU police and justice mission and the Kosovo Police Service, except perhaps on an ad hoc basis, and he agreed that this merited further consideration. Klynge was also sensitive to the notion that UNMIK police officers who might be successfully transferred into the new EU mission had to be quickly identified and approached; he claimed that EU planners did have a personnel plan in motion but said they would still have to look to capitals for approval of specific individual recruitments, a potentially cumbersome and time-consuming process.

Comment

19. (C) The EU's planning assumptions and the consequent shape of its police and justice mission are now beginning to emerge more clearly, and they afford a sober assessment of what policing in Kosovo will be like in the post-status period. Capacity building in Kosovo institutions is a key goal for the U.S., including in the security sector, but the shift from international executive policing to a model heavily reliant on local abilities will have definite implications for crisis planning, and will require early and frequent intervention with the KPS and their EU mentors to ensure they are prepared for all eventualities. It will also demand a different kind of interaction between KFOR, as the guarantor of a safe and secure environment in Kosovo, and law enforcement providers, who will now be, for the most part, local in origin. The shape of the EU model aside, the crawling pace of EU decision making on deployments, personnel

and other issues is making it exceedingly difficult for the various security players on the ground to engage in effective, scenario-based planning, and complicates UNMIK's police handover efforts, which should not/not be undertaken hastily or at the last minute. In this regard, Department encouragement in Brussels and EU capitals to complete their plans without delay and get on with the business of recruitment would be very valuable. End Comment.

¶10. (U) U.S. Office Pristina does not/not clear this cable for release to U.N. Special Envoy for Kosovo Martti Ahtisaari.
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